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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 March 2000, at 6 p.m.

Chairman: Mr. SIMKHADA (Nepal)

later: Mr. RODRÍGUEZ CEDEÑO (Venezuela)
(Vice-Chairman)

later: Mr. IBRAHIM (Sudan)
(Vice-Chairman)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (continued)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

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The meeting was called to order at 6 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (continued)
(E/CN.4/2000/22 and Add.1, 23-25 and 136; E/CN.4/2000/NGO/5, 12, 43, 55 and 71)

1. Mr. HASSAÏNE (Observer for Algeria) said that, particularly in view of the high quality of the Special Rapporteur's report on the situation of human rights in the occupied Palestinian territories (E/CN.4/2000/25), its late appearance and in a single language only was to be regretted. The report shed an instructive light on the persistence of Israeli violations, including the denial of the right of return to Palestinian refugees, population transfers and the continuing expansion of Israeli settlements whose aim was to change the demographic, cultural and historical character of the territories.

2. Among the many other violations of human rights in the occupied territories reported by the Special Rapporteur, were the demolition of residential property and the forced acquisition of land - measures which had affected the lives of 16,700 Palestinians. Torture continued to be used in the interrogation of Palestinians; the freedom of movement of workers was severely limited, as was their access to education and medical care - a situation which also affected southern Lebanon and the Syrian Golan.

3. The continuation of such abuses was a serious obstacle to progress towards peace in the Middle East. The land-for-peace process could hope to succeed only through the creation of an atmosphere of mutual confidence based on respect for human rights.

4. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that, in spite of repeated condemnation in the reports of the United Nations and other international organizations, Israeli violations of human rights in the occupied Palestinian and other Arab territories, including the expansion of Jewish settlements, the demolition of Arab dwellings, arbitrary detention, limitation of freedom of movement, torture of detainees, the forced evacuation of Palestinians, the desecration of Islamic holy places and the exclusion of Arabs from participation in economic and social life had persisted.

5. The establishment of more than 15 new settlements in Al-Quds al-Sharif (Jerusalem) was of particular concern as a threat to the demographic composition and status of the holy city. He appealed to the international community to bring pressure to bear on Israel to end the occupation and restore the legitimate rights of Palestinian people, including the return of refugees and displaced persons to their homeland, and the full and free exercise of their right to self-determination, including the establishment of a Palestinian State comprising the whole of the occupied territory.

6. Mr. Rodríguez Cedeño (Venezuela), Vice-Chairman, took the Chair.

7. Mr. LOUFTY (Observer for Egypt) said that the Israeli policy of colonizing the occupied Arab territories was in flagrant violation of the obligations imposed on occupying Powers by article 49 of the Fourth Geneva Convention of 1949. Not only did it constitute an onslaught on the material basis for the exercise of Palestinian rights, it was accompanied by such practices as

torture, and other forms of inhuman treatment, which had attracted the condemnation of both governmental and non-governmental international bodies, as instanced by the reports of the Arab League and the Special Rapporteur.

8. In such an atmosphere, it was difficult to conceive of real progress being achieved in the peace negotiations. The Israeli Government must assume its responsibilities, respect its international commitments, and lay the foundations for progress towards the lasting peace in the Middle East that had long been the object of Egyptian diplomacy.

9. Mr. OULD TIJANI (Observer for Mauritania) said that the violation of human rights in occupied Arab territories, including Palestine, had assumed particular importance because of the relaunching of the peace process. Only tangible progress in the negotiations, accompanied by positive progress on the ground, could ensure the achievement of a just, total and lasting peace, which must include the restoration to the Palestinian people of its legitimate rights, and the evacuation of the Syrian Golan and southern Lebanon. The conditions for such a peace had been clearly laid down in Madrid, and by Security Council resolutions 242, 338 and 425.

10. Mr. AL-ATTAR (Observer for Yemen) said that the peace process was being seriously impeded by Israel's continuing failure to honour the commitments it had already entered into, and its policy of manoeuvre and procrastination in negotiations. Meanwhile, Israeli violations of human rights in the occupied territories continued, as did its territorial expansionism through the implantation of Jewish settlements and the occupation of East Jerusalem.

11. He appealed to the Commission and its member States to bring pressure to bear on the Israeli Government: to comply with the numerous relevant United Nations resolutions; to withdraw from the Syrian Golan and southern Lebanon; and to restore their rights to the Palestinian people, including the right to create their own State with Jerusalem as its capital. Only if those objectives were achieved would it be possible to establish a just and lasting peace in the area.

12. His delegation wished to pay tribute to the Special Rapporteur for his report on the situation of human rights in the Palestinian territories.

13. Mr. AL-FARARGI (League of Arab States) said that the reports of the Special Committee (A/54/73 and Add.1) and the Special Rapporteur (E/CN.4/2000/25) confirmed the further deterioration in the human rights situation in Palestinian and other Arab territories occupied by Israel. The reported violations included murder, arbitrary detention, the imprisonment of women and children, and the use of torture during interrogations. At the community level, violations took the form of the confiscation of territory, the implantation of Israeli settlements, and the isolation of entire regions, resulting in the loss of contacts between communities, and restriction of freedom of movement.

14. Those were some of the consequences of the Israeli occupation of Arab territories that had persisted for over 30 years in defiance of repeated United Nations resolutions, including those of the Security Council, and in breach of the Fourth Geneva Convention. Those crimes

and violations could be brought to an end only by the termination of the occupation itself, particularly of the Syrian Golan and southern Lebanon, and by the restoration of the rights of the Palestinian people.

15. Mr. HAFIANA (Observer for the Libyan Arab Jamahiriya) said that the Special Rapporteur should be congratulated on his transparent and objective report. It was clear that the Palestinian people were being denied the right to self-determination. A considerable percentage of their territory had been confiscated by the occupying authorities for industrial and military purposes and for the implantation of settlements. Israel had rendered 16,700 people homeless, denied the Palestinian refugees the right of return, and diverted the waters of the occupied territories for the use of Jewish settlers. An attempt was also being made to obliterate the cultural and religious identity of the Palestinian people by the implantation of settlements, in contravention of the obligations and commitments entered into by the Israeli Government.

16. Yet, when international pressure was applied it was on the Palestinian negotiators instead of their aggressors. If international law were rigorously followed, Israel would be excluded from the international community because of its violations of the United Nations Charter, but, by a flagrant application of double standards, sanctions had been imposed on his country and on Iraq while an aggressive nation, acting in clear violation of international accords and resolutions, remained exempt.

17. Mr. MADI (Observer for Jordan) said that his Government had made a sustained effort to promote the peace process in the Middle East, in the belief that a real opportunity had presented itself that must be seized, particularly in Israeli negotiations with Syria and Lebanon. The regrettable failure on the part of the Israeli authorities to cooperate with the Special Rapporteur in his inquiries was an illustration of the atmosphere of mutual distrust which impeded the search for a just and comprehensive peace. As long as Israel continued to build settlements in the occupied territories and to resort to delaying tactics in negotiations, the peace process would inevitably be impeded.

18. Jordan did not admit the legality of legislative and administrative measures adopted by the occupying authorities in Palestine, was opposed to the imposition of collective punishment and the seizure of land for economic purposes, and deplored the transfer of populations and the destruction of Arab housing. His delegation called on the Israeli Government to abide by the principles of the Charter, the Universal Declaration of Human Rights, the Fourth Geneva Convention, and the numerous resolutions adopted by international bodies on the Middle East situation. Only in that way could a foundation be laid for a peaceful, lasting and comprehensive solution.

19. Ms. DESA (Amnesty International) said that her organization welcomed the September 1999 ruling by the Israeli High Court that some of the interrogation methods previously used by the General Security Service (GSS) in Israel and the occupied territories, including the use of "physical pressure", had been unlawful. However, although the systematic use of such techniques had subsequently ceased, cases of torture and of ill-treatment of detainees continued to be reported.

20. Her organization was also concerned that the High Court's ruling permitted the continued use of banned techniques in "exceptional circumstances", since the Convention against Torture clearly stated that "no exceptional circumstances whatsoever ... may be invoked as a justification for torture". Her organization was also concerned to note that a private member's bill, introduced into the Knesset in October 1999, to allow the special use of "physical force" had received the support of more than 40 of the Knesset's 120 members.

21. Furthermore, responsibility for the continuing widespread torture of Lebanese nationals at Khiam Detention Centre could not be shifted on to the South Lebanon Army by Israel, which was the occupying Power in the terms of international humanitarian law.

22. Her organization called on the Israeli Government to implement its obligations under the Convention against Torture, to oppose the private member's bill, and to introduce immediately into the Knesset legislation fully incorporating the provisions of the Convention, as recommended by the Committee against Torture in 1994, 1997 and 1998.

23. Mr. AL-SOURANI (Arab Lawyers Union), speaking also on behalf of the Arab Organization for Human Rights, the Cairo Institute for Human Rights Studies, the International Federation of Human Rights Leagues, North-South XXI, and the World Federation of Democratic Youth, said that the Conference convened on 15 July 1999 by the High Contracting Parties to the Fourth Geneva Convention, as recommended by General Assembly resolution ES-10/6 of 9 February 1999, to investigate measures to enforce the Convention in the occupied Palestinian territories had led to no concrete result. The decision by the Parties to adjourn the Conference indefinitely in order to allow the new Israeli Government "to get the peace process back on track" had proved to be without basis.

24. Israeli settlement activities in the occupied Palestinian territories had in fact escalated under the Barak Government. The notable increase in settlement activity in the Gaza Strip was particularly alarming, since that area was not considered strategic from the Israeli point of view. The feint of dismantling settlement outposts in the West Bank had been merely designed to mislead international public opinion: in fact, the outposts had not been dismantled and many had been retrospectively added to the list of those recognized by the Israeli Government.

25. The Israeli attempt to make a distinction between "legal" and "illegal" settlements was also without foundation. Similarly misleading was the announcement that the Government would freeze all new construction since it was clearly stated that building in progress would not be stopped.

26. Among other evidence of the promotion of new settlement were the figures released on 20 February 2000 by the Council for Jewish Settlement, indicating that they had grown by 12.5 per cent in 1999, as compared with 9 per cent in the years 1993 to 1997 and 7.5 per cent in 1998, the last year of the Netanyahu Government. Moreover, such settlement statistics failed to reflect the scale of land expropriation, including in the comparatively lightly settled area of the Gaza Strip, and in the West Bank. The Palestinian Centre for Human Rights had also documented numerous provocative practices against Palestinians and their property.

27. In Jerusalem and the surrounding areas, where high priority was given to expanding Israeli settlement, the Israeli Government had continued to withdraw identity cards from Palestinian civilians, denying them, despite claims of a change of policy, the right to reside in the city. It was, therefore, imperative for the international community, and particularly the High Contracting Parties to the Fourth Geneva Convention to refuse to recognize such illegal annexations and settlements, and for the Parties to reconvene their Conference and agree on measures to enforce the Convention.

28. In defiance of international guarantees of the right to freedom of movement, and in violation of the Israeli-Palestinian Interim Agreements on the West Bank and the Gaza Strip signed in Washington in September 1995, Israel had pursued a persistent policy of closure of all entrance and exits to the occupied territories, and had imposed restrictions on commercial transactions and external trade. The situation had not been relieved either by the long-delayed opening of "a safe passage" between the Gaza Strip and the West Bank in October 1999. An analysis by the Palestinian Centre for Human Rights had concluded that both the Protocol governing the use of the passage and the practices followed by the Israeli occupation forces had resulted in the closure of the passage whenever it suited Israeli convenience. Another result of the denial of freedom of movement had been to prevent inhabitants of the Gaza Strip from seeking medical treatment outside the area necessitated by the lack of local facilities as a result of Israeli neglect.

29. With regard to arrest and detention, there were more than 1,500 Palestinian and Arab prisoners in Israeli jails, and arrests continued to be made. Under the Barak Government, strict measures had been introduced against juvenile detainees, and over 80 Palestinian children under 13 years of age were currently in detention. Palestinians were also being detained in Israeli territory in contravention of the Fourth Geneva Convention and, in many cases, family visits were not permitted and lawyers were prevented from visiting their clients.

30. Ms. SHARFELDDIN (International Organization for the Elimination of All Forms of Racial Discrimination) said that the Israeli slogan "a land without people for people without a land" enshrined the incredibly arrogant implication that Palestine, although in fact occupied for thousands of years, had no inhabitants worthy to be regarded as fully human, and that it was legitimate for Jews from all over the world to exercise a "divine right" and take up residence in a supposedly uninhabited land. Such an arrogantly racist ideology was far more barbarous than that of the Austrian Freedom Party against which there had been such an outcry. Nor were such attitudes things of the past. The reputedly liberal Mr. Shimon Peres had recently stated that Israel was the focal point of light in a Middle-East environment of backwardness and squalor, and the Israeli Minister for Foreign Affairs had proclaimed that Israeli forces would spare nothing and no one in Lebanon in retaliation for the death of some Israeli soldiers.

31. Her organization believed that there were many Jews that did not agree with such racist attitudes, and it deplored the persisting support by the United States of America of a country espousing racism and equipped with nuclear weapons and destructive biological and chemical missiles. She urged the Commission and the international community in general as resolutely as it had rejected Nazism in the past, to reject the emergence of a new form of racism that contemplated the creation of a Greater Israel stretching from the Nile to the Euphrates.

32. The common hope of all people, whether Jewish, Christian or Muslim, who wished to live in peace and cooperation with their neighbours, should be to see the establishment of a secular State in Palestine which could be the basis of peace, cooperation and prosperity in the Middle East.

33. Mr. VIDYASEKERA (Afro-Asian People's Solidarity Organization) said that it was imperative for non-governmental organizations (NGOs) from all areas to cooperate in focusing attention on the human rights situation in the occupied Arab territories, including Palestine, and to avoid the tendency to focus excessively on political and civil rights at the expense of economic and social rights. The human rights situation in the occupied territories, far from improving, had in fact deteriorated, as was illustrated by the Israeli bombing of civilian infrastructures such as the power installations in Lebanon. Some of the responsibility for Israel's persistent prevention of the return of refugees, in defiance of international agreements and United Nations resolutions, must be laid at the door of the great Powers of the West.

34. There was a more urgent need than ever for the Commission to bring pressure to bear upon the Israeli Government to implement all Security Council resolutions, including those relating to the withdrawal of its forces from occupied territories, the right of return of Palestinian refugees, and the cessation of all measures taken by Israel to alter the physical, demographic, and institutional character and structure of the occupied territories.

35. Ms. PROUVEZ (International Commission of Jurists) said that her organization had dispatched a mission to investigate the situation in the occupied territories in January of the current year. One of the strongest impressions received had been of the effect on daily life in the West Bank and the Gaza Strip of the closure of the territories by the Israeli authorities, which had severely restricted the freedom of movement of Palestinians. The mission had also been struck by the scale of the continuing expansion of Israeli settlements, particularly in and around East Jerusalem and in the Gaza Strip, and the forced eviction of Palestinians. Such illegal settlements posed a serious obstacle to the achieving of a meaningful peace.

36. Alleviation of the situation of Palestinian refugees deserved very high priority. In a camp in the Gaza Strip visited by the mission conditions remained appalling, in spite of the efforts of the international community and of the refugees themselves. The comparison between their wretched living conditions and the comfort of the Israeli settlers underlined the injustice of the situation.

37. Another matter for grave concern was the evidence of Israeli discrimination in the administration of justice. While welcoming the September 1999 ruling of the Israeli High Court of Justice, her organization was shocked that the Israeli legislators should have continued to admit the use of physical means of pressure.

38. The mission's impression of the administration of justice under the Palestinian legal system in the autonomous areas was one of deep disappointment. Of particular concern was the establishment and expansion of the jurisdiction of the State Security Courts, which often conducted trials in the middle of the night without regard for the right to defence and passed

sentences which included the death penalty. It was entirely inappropriate that civilians should be tried before military courts, and her organization was convinced that such courts should be abolished immediately.

39. The mission's visit to a number of prisons under Palestinian administration revealed that many of the detainees had never been found guilty of any crime by a civil court, or even been tried by any court at all. One cause of the entirely unsatisfactory situation was a lack of trained administrators and of any system for the legal protection of human rights. Her organization thus welcomed the provision of ethical assistance in the administration of justice by the Office of the High Commissioner for Human Rights (OHCHR), but even more depended on the political will of the Palestinian authorities, including the will to resist external pressure, the application of which was not only illegal but also short-sighted. Respect for human dignity was the best guarantee of a lasting peace.

40. Mr. AL-ZULOF (Defence for Children International) said that the Palestine section of his organization wished to draw attention to the continuing violation of the rights of Palestinian children by the Israeli occupation authorities. Although Israel was a party to the Convention on the Rights of the Child, its defence forces and settlers had, during the preceding year, been responsible for the deaths of 4 children and injuries to 102 others, and for the invasion of schools and houses, the destruction of property and physical assaults. In spite of article 37 of the Convention, Palestinian children had been arrested, often in groups, imprisoned, and subjected to physical and psychological torture, with profound effects on their development, including educational difficulties, unemployment and post-traumatic stress disorders.

41. Among the physical hazards to which they were exposed were landmines and unexploded ordinance left behind by the Israeli army after military exercises. Children constituted 53 per cent of the Palestinian community in the West Bank and Gaza Strip and, if there was to be any real prospect of achieving a negotiated peace, it was essential that the environment of terror in which they lived should be removed and their human rights respected. It was significant that, although Israeli had signed and ratified the Convention, it had not only failed to respect its provisions but had even failed to submit a report on its implementation to the Committee on the Rights of the Child.

42. Mr. GIACOMELLI (Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967) said that he wished to comment briefly on some controversial points that had been made regarding his report (E/CN.4/2000/25). It had been said that the report was a political one. If that were so, it had certainly not been his intention. He hoped that the criticism was not intended to imply that certain matters should not have been referred to because of their "sensitivity". The role of the Special Rapporteur, as he understood it, was to view situations from the human rights point of view, and, if there appeared to be violations that remained unredressed, to say so.

43. It had also been suggested that the report provided a convenient pretext for bypassing the peace process. That again had not been his intention, but speaking as an independent observer, he should have thought it more appropriate to see his role as being to ensure that the peace process did not bypass human rights.

44. As to the criticism that the report was unbalanced, he could only say that, if that was so, it was possible that a better balance might have been struck if he had been allowed freer access to all possible sources of information. If there had been any misunderstanding between the representative of Israel and himself, it was a matter that he deeply regretted. He had thought that the extensive conversations and other contacts that he had had with that representative had prepared the way for mutual understanding.

45. It had seemed obvious to him that any Special Rapporteur who accepted the Commission's mandate should be expected to respect, not challenge, its terms. If new developments occurred and the situation appeared to have changed, it would be for the Commission to modify the terms of the Special Rapporteur's future mandate. One point of which he was convinced was that the mandate should not be open-ended. Nothing had been further from his intention than that his report should in any way constitute an obstacle to progress towards peace. It should rather be perceived as a signpost on the road to the achievement of a solution, and a reminder of the need to keep human rights constantly in mind when following that road.

46. Mr. Ibrahim (Sudan), Vice-Chairman, took the Chair.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 9) (continued) (E/CN.4/2000/7, 10, 26, 28-31, 33-35, 37-43, 45, 101, 113, 115, 116, 119, 121, 127, 129, 130 and 139; E/CN.4/2000/NGO/19, 36, 38, 44, 72-75, 86, 89, 96, 103, 124 and 137; A/54/660, A/54/726-S/2000/59, A/54/727-S/2000/65; S/2000/137)

47. Mr. COPITHORNE (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran), introducing his fifth report (E/CN.4/2000/35), said that he had, on occasion, been criticized for relying too much on anecdotal information, but he had consistently attempted to distinguish between idiosyncratic material and material he judged indicative of trends. Since he had completed his report in December 1999, an election had taken place for the Sixth Majlis with a very high voter turnout. The results held out a prospect of the institutionalization of the reforms still required in certain areas, particularly the vetting of candidates.

48. Confrontation was continuing between the advocates of change, led by the President and his ministers, and apparently with wide support in society, and a certain elite, which, for religious or political reasons, resisted change. Some aspects of that resistance seemed to indicate a Government that, as a whole, was either unwilling or unable to fulfil the commitments made by the executive to the establishment of the rule of law and a civil society, the enjoyment by all Iranians of the rights of citizenship, and full respect for diversity of religion and ethnicity.

49. The areas to which he had attached the highest priority in his report were: consolidation of freedom of expression; overcoming systematic discrimination against women; the pursuit of "rights of citizenship" for all ethnic and religious minorities, including some that were not

recognized; and an overhaul of the legal system in general, and of the judiciary in particular, the need for which was evident in the disregard of some components of a fair trial in certain sensitive cases.

50. It was a matter for concern that official inquiries into several politically charged violent incidents over the past 18 months appeared to be making slow progress. On the other hand movement was taking place in some areas, and he was personally convinced of the sincerity of the commitment on the part of the President and of the executive generally. He believed that the situation was likely to improve significantly, possibly dramatically so, over the coming year.

51. Mr. WAREHAM (International Association against Torture) said that his organization wished to refer to serious violations of human rights in two countries. The first was South Korea, where anyone advocating contact with the North was liable to prosecution under the obsolete National Security and Social Surveillance Laws.

52. The second was the United States of America. There the existence of such documents as the Constitution and the Declaration of Independence made it difficult for many people to believe that racism, slavery and genocide remained part of current practice, and delegations that did know the truth were often constrained by economic realities from proclaiming it. The United States Government's tactic of placing "coloured faces in high places" could not change the fact that racism was at the root of major human rights violations.

53. He cited the cases of James Byrd, the black man dragged to his death behind a truck by three white racists; Tyesha Miller a black teenager killed by Riverside County police while sitting in her car awaiting help to mend a flat tyre; Nathaniel Abraham facing sentence as an adult to life imprisonment for a crime committed when he was 11 years old - the United States and Somalia were the only countries in the world which had not ratified the Convention on the Rights of the Child; and the recent case of Elian González the six-year old Cuban child, who should have been returned immediately to his father.

54. He also cited the recent scandal concerning the Los Angeles Police Department, where 20 officers were under investigation for everything from framing innocent people to shooting people without cause. The police forces throughout the country were out of control and appeared to have been given the green light to do whatever they wished to the "enemy", i.e. coloured people. The prison population in the United States of America was currently greater than 2 million, larger than the entire population of some countries, and more than 50 per cent of those incarcerated were black although blacks represented only 12 per cent of the population.

55. Another glaring example of abuse of rights, the victim being the nation of Puerto Rico, concerned the island of Vieques, which was used as a military training ground for target practice with live ammunition. The United States Government had been obliged to resort to bribery to try to persuade the Puerto Rican people to continue to ignore the violation of their sovereignty.

56. In the light of those violations, and in the interests of transparency and a single standard of human rights enforcement, his organization requested the Commission to appoint a special rapporteur to investigate the continuing and persistent pattern of human rights violations in the United States of America.

57. Mr. DIENSTBIER (Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)), introducing his report (E/CN.4/2000/39), said that he wished to begin by paying tribute to the field officers of the international organizations, who worked in difficult and sometimes dangerous conditions, and were often treated negligently by their organizations, and to their dedicated local staff, who were exposed to even greater danger than foreigners and received much lower salaries. It had been particularly shameful that local staff had been abandoned by international organizations and Governments at the time when the international staff members were evacuated from Kosovo before the bombing campaign by the North Atlantic Treaty Organization (NATO) began.

58. His report indicated that there had been few new developments in Bosnia and Herzegovina and that the problems of return and the fate of returnees remained essentially unchanged, although some small improvements had been brought about by the pressure of the international institutions, in which connection he wished to pay special tribute to the efforts of the new High Representative, Wolfgang Petritsch.

59. There were new hopes for progress in Croatia, where the signing of the Joint Protocol in Banja Luka provided a basis for more substantial change. The visit of the Croatian President to Sarajevo had confirmed the rejection of the late President Tudjman's support for separatist tendencies among the Croats in Bosnia and Herzegovina. In the April elections three quarters of the voters had rejected the former extreme nationalistic and authoritarian policies. He also welcomed the promises given to solve problems of refugees and property rights, and to improve the freedom of the media and to protect journalists. There were grounds for hope that, in the not too distant future, Croatia would succeed in meeting the obligations of the United Nations human rights conventions, and, as a member of the Council of Europe, those of the European Convention on Human Rights.

60. On the other hand, the human rights situation throughout the Federal Republic of Yugoslavia was worse than in the previous year, and there was a growing risk of future humanitarian catastrophes if the international community did not reconsider the existing policies. It was clear that the bombing campaign had merely aggravated existing problems and created new ones not only by destroying the Serbian, Montenegrin and Kosovar economies but also by damaging the economies of the whole Balkan region and of other European countries as well.

61. The missions in Kosovo had not achieved a single real objective - not through the fault of the people in the field, many of whom were dedicated men and women risking their lives - and the outcome had been a Kosovo ethnically cleansed of non-Albanians and ruled by the illegal structures of the Kosovo Liberation Army, where no Albanian judge could imprison an Albanian criminal out of fear for his life and for the safety of his family. If that situation was to be changed, it would be necessary to settle the question of the status of Kosovo.

62. Although every conceivable solution raised formidable problems, his own view was that the only possible solution was for the United Nations and NATO to implement Security Council resolution 1244 (by which Kosovo would remain a part of Yugoslavia) whatever the cost in money and human resources. The States whose representatives had taken the decisions leading to the existing situation would have to share the responsibility for making the requisite positive changes.

63. In order to improve the state of human rights throughout the region, it was necessary to understand that all Balkan problems were closely interconnected. The abolition of all economic sanctions would have a positive effect; it would support democratic forces and create the necessary conditions for overcoming the huge unemployment and poverty problems often linked to discrimination on an ethnic basis.

64. Ms. CEK (Observer for Croatia) said that she welcomed the Special Rapporteur's assessment that Croatia was on the way to becoming a stablilizing factor in the region. Her Government believed that the disparity between the various countries falling within the Special Rapporteur's purview was so great that the decision should be taken at the Commission's current session to remove Croatia from his mandate. She also welcomed his assessment that, if the positive developments continued, his mandate should no later than in the coming year be changed into a process of broad cooperation in educational human rights programmes and other necessary assistance.

65. The newly elected Government of her country had, on several occasions, affirmed its intention to fulfil its internal and international obligations in the field of human rights and had already initiated a campaign to abolish a number of discriminatory legal provisions relating to property, minority rights and the media. The Government had also, in cooperation with the United Nations High Commissioner for Refugees (UNHCR), submitted a project for the repatriation of 16,500 Croatian Serbs from neighbouring Bosnia and Herzegovina and the Federal Republic of Yugoslavia, which she hoped the international community would support financially and in other ways.

66. Over the past eight years, Croatia had been subjected to many forms of human rights monitoring during which it had been consistently open and cooperative. Following upon the change of government, her delegation believed that the time had come for the Commission to reconsider its position and not automatically renew the inclusion of Croatia under agenda item 9, which was applicable to situations revealing a consistent pattern of gross human rights violations which was by no means applicable to its case.

67. Ms. MARSAC (Amnesty International) said that, in spite of the Sierra Leone peace agreement signed in July 1999, former rebel forces of the Revolutionary United Front (RUF) and the Armed Forces Revolutionary Council (AFRC) had continued to kill, mutilate, rape and abduct civilians. Her organization was concerned that the peace agreement provided for an amnesty offering complete impunity for the gross human rights abuses suffered by thousands of civilians, including women and children. It was regrettable that the recommendation by the United Nations High Commissioner for Human Rights for the establishment by the Security Council of an international commission of inquiry had not as yet received the Council's express support.

68. Her organization believed that the Commission should: call on former rebel leaders to instruct former combatants to end human rights abuses, and insist that those responsible for abuses committed since July 1999 should be brought to justice; support the creation of an international commission of inquiry; and remind States of their obligation to investigate and prosecute perpetrators of grave breaches of international humanitarian law.

69. In Kosovo, where Serbs, Roma and other minorities had been indiscriminately killed or abducted by Kosovo Albanian groups or their supporters, such abuses were continuing despite the efforts of KFOR and the United Nations Interim Administration in Kosovo (UNMIK). The international community had failed to give UNMIK adequate support to establish an independent judiciary, and the entire population lacked basic security because of the entirely inadequate numbers of civilian police. Throughout the military conflict, NATO and its member States had urged Yugoslav army personnel to disobey their leadership and consider desertion. Yet those same NATO countries were disregarding the plight of many conscientious objectors who had fled their country and currently lacked long-term security. Her organization called on the Commission: to urge the Kosovo Albanian leadership to condemn human rights abuses against minorities; to give full support to the establishment of an independent judiciary and an adequately staffed civilian police force; and to request NATO countries to grant effective protection to conscientious objectors who had fled the Federal Republic of Yugoslavia.

70. Mr. ROSSI (International Association for Religious Freedom) said that his organization wished to draw the attention of the Commission to gross and systematic violations of human rights and basic freedoms in Saudi Arabia. It was the only country in the world that expressly forbade the public practice of any religion other than Islam, in spite of the presence of many non-Muslims among its immigrant workers.

71. Although neither Mohammed nor the Koran had ever forbidden Jews and Christians living in the Arabian peninsular to profess their religion, the Saudi Arabian authorities not only denied them the right to have their places of worship but even to meet in private. Those policies were in strange contradiction with the proclamations on the Saudi Arabian embassy Web site in Washington, which stated that God proclaimed in the Koran that human rights were universal and that all individuals should be able to enjoy them whether in Islamic States or in others.

72. The Commission could not continue to ignore such grave violations of human rights. In particular, its member States with Christian majorities, especially the United States of America, which guaranteed the Muslims the right to profess and propagate their religion and build mosques - often with Saudi Arabian financial assistance - should speak out in defence of the rights of their fellow citizens working in Saudi Arabia, and require the Saudi Government to respect the human dignity of all individuals.

73. Ms. CAVANAUGH (Human Rights Watch) said that her organization called on the Commission to condemn the abuses being perpetrated in Chechnya and to mandate a thorough investigation by United Nations observers. A Human Rights Watch team in Ingushetia had documented abuses by both parties to the conflict, the most serious of which had been three massacres of Chechen civilians by Russian forces, including the execution of at least 120 civilians, many of them elderly men and women.

74. The human rights situation in China and Tibet had continued to deteriorate, with increasing restraints on freedom of association, assembly, expression and religion embodied in new regulations promulgated in October 1998. In December, the first three China Democracy Party leaders had been sentenced to long prison terms and, in the religious sphere, although the most prominent target had been Falun Gong, at least six Catholic bishops had "disappeared" and unofficial Protestant evangelical groups had been harassed. Media restrictions had been extended to the Internet and the transmittal of "State secrets" prohibited.

75. In Tibet, monks and nuns refusing to renounce the Dalai Lama or accept Government-chosen religious leaders had been expelled from monasteries and some had died in prison.

76. In Xinjiang, the pace of executions had been stepped up. A leading Uighur businesswoman had received an eight-year sentence for attempting to meet a foreign delegation. Imams who objected to Chinese anti-religious propaganda had been imprisoned and their mosques closed.

77. Her organization was alarmed by the continuing abuses by rebel groups in Sierra Leone since the signing of the Lomé peace accord. In face of the widespread and extremely grave violations of human rights, her organization urged the Commission to support the strengthening and employment of the human rights component of UNAMSIL. The High Commissioner for Human Rights should also instruct her envoy to investigate the relationship between a commission of inquiry and the Truth and Reconciliation Commission.

The meeting rose at 8.25 p.m.